

(b) *Attachments to declaration.* Details for purposes of a declaration required under paragraph (a) of this section may be furnished by reference in the declaration to attachment of the original or copy of the contract or other documentation which contains the information.

(c) *Execution of declaration.* Declarations required by paragraph (a) of this section shall be executed as follows:

(1) *Contract supplier; Armed Forces branch; member or employee.* Declarations made under paragraph (a) or (b) of § 12.98 shall affirm that facts and data furnished are declared on knowledge, information, or belief of a signing officer, partner, or authorized representative of an importing contract supplier or of a commissioned officer, contracting officer, or employee authorized to represent an Armed Forces importing branch. The signature to a declaration shall appear over the declarant's printed or typewritten name, his title or rank, and the identity of the contract supplier or Armed Forces branch he represents or in which he has membership or employment.

(2) *One-armed person.* Declarations made under paragraph (c) of § 12.98, signed by the eligible person, shall be presented upon his arrival directly to a Customs officer who shall visually confirm the facts declared. An eligible knife shall be released only to the declarant.

(d) *Verification of declared information.* The importer, consignee, or declarant of knives permitted entry under § 12.98 upon request shall furnish Customs additional documentary evidence from an Armed Forces branch or other relevant source as Customs officers may require in order to:

- (1) Verify declared statements;
- (2) Resolve differences pertaining to quantity, description, value, or other discrepancy disclosed by the importation, entry, or related documentation;
- (3) Establish the declarant's authority to act; or
- (4) Authenticate a signature.

[T.D. 71-243, 36 FR 18860, Sept. 23, 1971]

#### **§ 12.100 Importations in good faith; common or contract carriage.**

(a) *Exportation in lieu of seizure.* Upon a claim that the importer acted in good

faith without knowledge of applicable laws and regulations, Customs officers may authorize detained inadmissible knives to be exported otherwise than in the mails, at no expense to the Government, under the procedures of §§ 18.25 through 18.27 of this chapter.

(b) *Common or contract carriers.* In accordance with 15 U.S.C. 1244(1), excepted from the penalties of the Act are the shipping, transporting, or delivering for shipment in interstate commerce, in the ordinary course of business of common or contract carriage, of any switchblade knife. However, imported switchblade knives as defined in § 12.95(a) so shipped or transported to a port of entry or place of Customs examination are prohibited importations subject to §§ 12.95-12.103 and disposition as therein required, authorized, or permitted.

[T.D. 71-243, 36 FR 18860, Sept. 23, 1971, as amended by T.D. 90-50, 55 FR 28192, July 10, 1990]

#### **§ 12.101 Seizure of prohibited switchblade knives.**

(a) *Importations contrary to law.* Inadmissible importations which are not exported in accordance with § 12.100(a) shall be seized under 19 U.S.C. 1595a(c).

(b) *Notice of seizure.* Notice of Customs seizure shall be sent or given to the importer or consignee, which shall inform him of his right to file a petition under section 618, Tariff Act of 1930, as amended (19 U.S.C. 1618), for remission of the forfeiture and permission to export the seized switchblade knives. (See part 171 of this chapter.)

[T.D. 71-243, 36 FR 18860, Sept. 23, 1971, as amended by T.D. 90-50, 55 FR 28192, July 10, 1990]

#### **§ 12.102 Forfeiture.**

If the importer or consignee fails to submit, within 60 days after being notified of his right to do so, a petition under section 618, Tariff Act of 1930, as amended (19 U.S.C. 1618), for remission of the forfeiture and permission to export the seized importation, the seized prohibited knives shall be forfeited in accordance with applicable provisions of sections 602 through 611, Tariff Act of 1930, as amended (19 U.S.C. 1602

through 1611), and the procedures of part 162 of this chapter.

[T.D. 71-243, 36 FR 18860, Sept. 23, 1971, as amended by T.D. 78-99, 43 FR 13060, Mar. 29, 1978; T.D. 00-57, 65 FR 53574, Sept. 5, 2000]

**§ 12.103 Report to the U.S. Attorney.**

Should circumstances and facts of the import transaction show evidence of deliberate violation of 15 U.S.C. 1241 through 1245, so as to present a question of criminal liability, the evidence, accompanied by reports of investigative disclosures, findings, and recommendation, shall be transmitted to the U.S. Attorney for consideration of criminal prosecution. The port director shall hold the seized switchblade knives intact pending disposition of the case.

[T.D. 71-243, 36 FR 18860, Sept. 23, 1971, as amended by T.D. 72-81, 37 FR 5364, Mar. 15, 1972; T.D. 90-50, 55 FR 28192, July 10, 1990]

**CULTURAL PROPERTY**

SOURCE: Sections 12.104 through 12.104i issued by T.D. 86-52, 51 FR 6907, Feb. 27, 1986, unless otherwise noted.

**§ 12.104 Definitions.**

For purposes of §§ 12.104 through 12.104i:

(a) The term, *archaeological or ethnological material of the State Party* to the 1970 UNESCO Convention means—

(1) Any object of archaeological interest. No object may be considered to be an object of archaeological interest unless such subject—

(i) Is of cultural significance;

(ii) Is at least 250 years old; and

(iii) Was normally discovered as a result of scientific excavation, clandestine or accidental digging, or exploration on land or under water; or in addition to paragraphs (a)(1) (i) and (ii) of this section;

(iv) Meets such standards as are generally acceptable as archaeological such as, but not limited to, artifacts, buildings, parts of buildings, or decorative elements, without regard to whether the particular objects are discovered by exploration or excavation;

(2) Any object of ethnological interest. No object may be considered to be an object of ethnological interest unless such object—

(i) Is the product of a tribal or non-industrial society, and

(ii) Is important to the cultural heritage of a people because of its distinctive characteristics, comparative rarity, or its contribution to the knowledge of the origins, development or history of that people;

(3) Any fragment or part of any object referred to in paragraph (a) (1) or (2) of this section which was first discovered within, and is subject to export control by the State Party.

(b) The term *Convention* means the Convention on the Means of Prohibiting and Preventing the Illicit Import, Export, and Transfer of Ownership of Cultural Property adopted by the General Conference of the United Nations Educational, Scientific, and Cultural Organization at its sixteenth session (823 U.N.T.S. 231 (1972)).

(c) The term *cultural property* includes articles described in Article 1 (a) through (k) of the Convention, whether or not any such article is specifically designated by any State Party for the purposes of Article 1. Article 1 lists the following categories:

(1) Rare collections and specimens of fauna, flora, minerals and anatomy, and objects of palaeontological interest;

(2) Property relating to history, including the history of science and technology and military and social history, to the life of national leaders, thinkers, scientists and artists and to events of national importance;

(3) Products of archaeological excavations (including regular and clandestine) or of archaeological discoveries;

(4) Elements of artistic or historical monuments or archaeological sites which have been dismembered;

(5) Antiquities more than 100 years old, such as inscriptions, coins and engraved seals;

(6) Objects of ethnological interest;

(7) Property of artistic interest, such as:

(i) Pictures, paintings and drawings produced entirely by hand on any support and in any material (excluding industrial designs and manufactured articles decorated by hand);

(ii) Original works of statuary art and sculpture in any material;